

Criteria for Evaluating Temporary Drought Transfer Applications

The standards and procedures used by the Water Resources Department (WRD) in evaluating temporary drought transfer applications are described in Oregon Revised Statute (ORS) 536 (<http://landru.leg.state.or.us/ors/>) and in Oregon Administrative Rules (OAR) Chapter 690, Division 19 (<http://www.wrd.state.or.us/law/oar1999.shtml>).

This is a summary, prepared by the Water Resources Department, of criteria and procedures that are generally applicable to transfer applications. The summary is necessarily general, and may not specifically address every applicant's fact situation. The summary is intended as general guidance for applicants, and not as a substitute for reference to applicable statutes and rules.

In areas where the Governor declares that a severe, continuing drought exists, any person may apply to the Water Resources Commission for a temporary change in use, place of use or point of diversion of water. Temporary drought transfers agreements are for one year, or the term of the drought, whichever is shorter.

In reviewing temporary drought transfer applications under ORS 540.505 to 540.580, the Department will consider the following criteria:

- The temporary drought transfer will not result in injury to an existing right [OAR 690-019-0055]
- Total water use at the receiving location does not exceed the maximum rate and duty for the receiving location [OAR 690-019-0055]

Temporary Drought Transfer Application Procedures and Review

The Water Resources Department processes a temporary drought transfer application using the following procedure:

1. The applicant submits a complete application for transfer and the appropriate fees to the Department.
2. The Department gives notice of the transfer application or approval of such application in the Department's weekly notice.
3. The Director approves the temporary drought transfer, with any appropriate conditions, including water use conservation, measurement and water curtailment measures, if:
 - a. The transfer will not result in injury to an existing right.
 - b. Water use at the receiving location does not exceed the maximum rate and duty for that location.
4. If irrigation at the original place of use has already occurred, then only that portion of the right available for use for the rest of the irrigation season may be used at the new place of use.